

THE SUDDEN DEATH OF

Jayantha Dhanapala reminds us that we are an integral part of the world body and exhumes

The death of Sri Lankan diplomacy by suicide took place in Geneva on 22 March. For 64 years, it had served the country well despite the size of its professional cadre and persistent political meddling by all regimes. The link between suicidal diplomacy and political directions received from Colombo is becoming obvious after the adoption of the resolution with anti-US and anti-Indian statements and actions being leaked to the media. A populist President is milking the Geneva debacle to such an extent that one wonders whether it was a deliberate act of hara-kiri.

There has been a plethora of comment on the Geneva events ranging from vitriolic abuse of the West in general and the US in particular, anti-Indian sentiment, defiant xenophobia and jingoism to ‘I told you so’ comments and efforts to shift the blame to the luckless and reportedly divided Geneva delegation. Amidst this, a number of key factors have either been concealed or have not been apparent.

Firstly, no country welcomes being on the agenda of the Human Rights Council (HRC) – the premier human-rights body of the UN system. A resolution without the consent of that country is undoubtedly a stigma affecting its political and economic relations. Resolution No. 19/2 adopted on 22 March 2012 was the very first such resolution on Sri Lanka. It is of course arguable whether a contentious resolution adopted by the HRC is the best way to advance human rights, especially in a democracy. I do not think so myself.

Secondly, the first decisions or resolutions on Sri Lanka were adopted by the predecessor body of the HRC, the Commission on Human Rights (CHR) in 1984 (following the disastrous riots of Black July 1983 and the international outrage it caused) and in 1987. This was largely on the initiative of India, supported by the EU and others like Argentina who had been gifted a grievance by J. R. Jayewardene’s myopic foreign policy. However, these were adopted without a vote because the Sri Lankan delegations during both these years converted hostile resolutions into benign ones through diplomatic negotiations approved by Colombo.

Archival records will prove this but suf-



fice it to quote key parts of the one-sentence 1984 decision: “The Commission taking note of the information voluntarily submitted by the Government of Sri Lanka ... decided that further consideration of this matter was not necessary.” And this from the operative paragraphs of the 1987 resolution: “Calls upon all parties and groups to respect fully the universally accepted rules of humanitarian law ... Invites the Government of Sri Lanka to intensify its cooperation with the ICRC ... Expresses the hope that the Government of Sri Lanka will continue to provide the CHR with infor-

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mation on this question.” Official records state that the Canadian representative “recalled that the representative of Sri Lanka had rightly referred to that country’s reputation as a voice of constructive reason, moderation and prudence. His delegation had laid great stress on the recognition of those qualities.”

Thirdly, from 1987 to 2009, except for mention of Sri Lanka in the debates of the CHR and the HRC, there was no resolution, partly because of the diplomatic support of

The writer is a retired Sri Lankan Ambassador and a former UN Under-Secretary-General.

SRI LANKAN DIPLOMACY

the myth that action by the UN on our human-rights record is a violation of our sovereignty



India following the Indo-Lanka Accord of 1987. In 2009, a hostile resolution against Sri Lanka over the concluding phase of the LTTE's military defeat was opposed by the Sri Lanka delegation aggressively and was defeated with the help of India, China, Russia and many Non-Aligned countries. The US was not a member of the HRC in 2009. Rubbing salt into the wound of those who initiated that resolution (never a wise move in international diplomacy), Sri Lanka moved a counter resolution which was adopted in a divided vote – 29 for, 12 against and six abstaining. The contents of that resolution, including a promise to implement the 13th Amendment, are in fact not very different from the resolution adopted this year.

In 2009, our Geneva team placed the Sri Lanka situation on the HRC agenda, while our career diplomats in New York shrewdly kept it off the Security Council agenda. Hostile critics were provoked to revisit the

issue in Geneva and bided their time. The 2012 resolution is exactly what the UNSG's panel of experts' report recommended. If Sri Lanka is in a hole now, as some claim it is, the digging began in 2009. With our dependence on the West for trade, aid, investment and tourism, and our geopolitical vulnerability vis-à-vis India, preventive diplomacy not provocative posturing is needed.

Fourthly, the statistical casuistry of high-level government spokesmen in interpreting the vote as a majority of one is patently absurd and dishonest. It is well known in voting procedures from village councils to international forums that an abstention represents precisely a posture of being neither for nor against. Strangely, our governing regime had hitherto believed, following Bush Junior, that "if you're not for us you're against us." And what about the 42 co-sponsors of the resolution, including the non-voting observers? No doubt, pressure was applied by the US once it had decided to sponsor a resolution on Sri Lanka, but if we decided to oppose the resolution instead of engaging in diplomatic negotiations to dilute the resolution, then we should have been ready for this conduct by the sole superpower.

No country, however friendly it may be to us, would like to be placed in a situation of having to choose between the US and Sri Lanka. Inevitably, some stood by Sri Lanka and some did not. Crucially India, our giant neighbour, was caught in a cleft stick.

There was disappointment over unfulfilled promises on a political solution in Sri Lanka complicated by a crisis in the governing UPA – electoral reverses in Uttar Pradesh, problems with Mamata Banerjee over the Railway Budget and combined DMK-AIADMK pressure to vote for the US resolution. Diplomatic support over a quarter century from 1987 to 2012 may have resulted in an abstention, in keeping with India's aversion to country-specific resolutions on human rights. Finally, domestic compulsions tipped the scales into a vote for the resolution. Thus have we alienated our friends.

Fifthly, the state-inspired attacks on the civil-society representatives who had gone to Geneva in the Sri Lankan media and in Geneva only proved to foreign observers that our human-rights record was a shoddy one. The world is an echo chamber today with the power of ICT. Thus, the attacks on

the civil-society representatives in Geneva and Minister Mervyn Silva's reported threats and admission that he had crippled a journalist reverberated around the world. Few Sri Lankans remembered that in the 1990s, both Mahinda Rajapaksa and our Ambassador in Geneva were present in the CHR as critics of the human-rights record of the then UNP Government.

Finally, the myth that action by the UN on our human-rights record is a violation of our sovereignty and an interference in our internal affairs must be laid to rest. By joining the UN voluntarily in 1955, we were party to the UN Charter and to the 1948 Universal Declaration on Human Rights. We agreed to the setting up of the HRC in 2006 and its mandate. We were members of the HRC when we voted on resolutions and lost our bid for re-election in 2008. We agreed to the mechanisms set up such as the Universal Periodic Review and the procedure which allows individuals and organisations to bring human-rights violations to the attention of the council.

The HRC also works with the UN special procedures made up of special rapporteurs, special representatives, independent experts and working groups that monitor, examine, advise and publicly report on thematic issues or human-rights situations in specific countries. In addition, we have signed several international instruments on human rights under which we have reporting obligations which we fulfil. These obligations stem from our being in the international community and a signatory of international treaties.

To conclude, what happens next? We cannot like petulant schoolboys pick up our marbles and go home because we have lost a resolution. We need to examine how we painted ourselves into a corner, and try to get out of it through drastic human-rights reforms.

Defying the UN will only put us on a collision course where the fate of Sudan looms as a spectre. Domestically, the Geneva resolution might help to ensure the re-election of the President; but internationally, it may destabilise the entire country, dragging us all into a dystopia our people do not deserve.

CURRENT AFFAIRS

